

SALINA M. KANAI #8096
Federal Public Defender
District of Hawai‘i

MELINDA K. YAMAGA #9246
Assistant Federal Defender
300 Ala Moana Boulevard, Suite 7104
Honolulu, Hawai‘i 96850-5269
Telephone: (808) 541-2521
Facsimile: (808) 541-3545
E-Mail: Melinda_Yamaga@fd.org

Attorney for Defendant
KALANA LIMKIN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

UNITED STATES OF AMERICA,)	CR. NO. 23-00101 HG
)	
Plaintiff,)	DEFENDANT’S MOTION TO
)	REOPEN DETENTION HEARING;
vs.)	EXHIBITS “A” – “B”;
)	CERTIFICATE OF SERVICE
KALANA LIMKIN,)	
)	
Defendant.)	
_____)	

DEFENDANT’S MOTION TO REOPEN DETENTION HEARING

Defendant KALANA LIMKIN, by and through counsel, MELINDA K. YAMAGA, Assistant Federal Defender, moves this Honorable Court to reopen the issue of his detention in this case and to release him to a work-stay property on Hawai‘i Island with third-party sponsor Rick Gristock. Under such circumstances,

Kalana can demonstrate that he is not likely to flee or pose a danger to the safety of any other person or the community if released. This motion is based upon the files and records of this case, and any other evidence that may be adduced at any hearing on the motion.

I. BACKGROUND

A Criminal Complaint in this case was filed on December 14, 2023. ECF No. 1. At the detention hearing on December 21, 2023, Kalana was ordered detained. ECF No. 11. One significant factor was whether Kalana could be adequately restricted from the internet if released. Since then, Kalana has, on his own, found a suitable residence where he would not have internet access. Counsel provided the proposed third-party sponsor's contact information and general description and address of the work-stay property to the United States Probation Office on June 27, 2024. Counsel has also determined that there is a bus route to a behavioral health services provider in the area, and verified that Kalana's brother and mother would support him in this transition.

II. ARGUMENT

Kalana's charges present a rebuttable presumption against release. Given this, Kalana would ask the Court to consider release to this work-stay property which has no internet access. Additionally, the property owner, Rick Gristock, is willing to be a third-party sponsor. Mr. Gristock has personal wi-fi, but it is

password protected and Kalana would not be able to access it. There is no other internet on the property. Kalana's mother, who also lives at the work-stay property, is willing to provide support to Kalana. She is also willing to be an additional third-party sponsor, if necessary. Kalana's brother, Kaaina, lives in the area and goes to the property at least once a week to visit his mom and take her to town to get groceries. He would be willing to support Kalana in the same manner.

The work-stay program requires Kalana to work on the farm 8 to 12 hours per week. The remainder of the time he plans to work towards getting his driver's license, a part-time job, finishing his education, and attending therapy. Hawai'i Island Community Health Center offers behavioral health services in the area and is accessible via bus until he gets his license.

Kalana's mental and physical conditions have suffered over the last eight months he spent in custody. At the time he was arrested, at just barely 18 years old, he was scrawny and pale. Over the last eight months, his appearance has worsened. Coping with the stress of incarceration has been incredibly mentally taxing. His demeanor has become sullen and his mood is consistently somber. Given his incredibly young age, his therapeutic needs, his meek physical stature, and the nature of his charges, he is struggling. This does not mean he is not trying to find meaning, stability, and purpose; it is just exceedingly difficult for him given the

specific circumstances. If released, he is committed to abiding by court-imposed conditions, re-integrating into society, and getting the help he needs.

Kalana has previously demonstrated he is capable of overcoming adversity and finding success. For example, Kalana was home schooled from approximately 2016 to 2022. *See* Exhibit A. When he re-entered school the second semester of his sophomore year he was quite behind. According to Kellie Frias, Hilo High School Counselor, Kalana's older brother helped him re-enroll in school. Exhibit B. He was bright, motivated, and an incredibly hard worker. *Id.* Despite the serious nature of the offense, there is substantially more hope for Kalana's future, so much so that this Court should find he is appropriate to be released with restrictive conditions imposed.

DATED: Honolulu, Hawai'i, August 2, 2024.

/s/ Melinda K. Yamaga
MELINDA K. YAMAGA
Attorney for Defendant
KALANA LIMKIN